

# LAW LIBRARY

## ARIZONA ATTORNEY GENERAL

April 17, 1941.

Mr. Cleve Curtis,  
Clerk of Superior Court,  
Safford, Arizona.

Dear Sir:

In answer to your question as to whether or not in a Quiet Title action, where plaintiff's attorney prepares three or four acknowledgments, waivers and disclaimers (each worded the same) and are sent to various defendants who sign same and return them to plaintiff's attorney. Plaintiff's attorney brings the number of waivers in for filing, claiming they are but one answer, by various defendants on a number of different documents, and wants them filed as one answer for the fee of \$5.00, should there be only one fee of \$5.00 charged or should a \$5.00 fee be charged for each group of papers?

Section 34-110 A.C.A. 1939, provides in part:

"the defendant, on his appearance, shall pay to said clerk five dollars (\$5.00) each defendant appearing by counsel other than his co-defendant or defendants, and answering separately, shall also make such payments (which includes all fees to be paid up to the entry of judgment.)"

We are of the opinion that unless each of several defendants, appears by counsel and answer separately, that the fee of \$5.00 is sufficient for filing the disclaimer of each defendant or co-defendants.

Very truly yours,

JOE CONWAY,  
Attorney General.

ALBERT M. GARCIA,  
Assistant Attorney General.

EARL ANDERSON,  
Special Assistant  
Attorney General.